

REMARKS

Amendments to the Claims

Claims 1-8 are under examination with entry of the present Amendment.

Claim 1 has been amended for clarity to recite "a replaceable desiccant cartridge removably disposed within a *hollow portion of* the desiccant concealing member." Support resides in the as-filed specification for example, on page 4 and in Figures 1-3.

No new matter has been added with the amendments made herein. Support for the amended claims is found throughout the application and in the as-filed claims. Applicant believes that the amended claims better define the invention in a manner supported by the original application, and in a manner so as to render moot the rejections as set out below.

Rejections under 35 U.S.C. §103

1. The Office Action rejects claims 1-7 as allegedly unpatentable over Stoneback (U.S. Patent No. 2,276,112) in view of Suzuki *et al.* (JP 62-105287). The Office Action states that:

Regarding claim 1, Stoneback in Figures 4-6 discloses a heat insulation window comprising an inner pane (13) and an outer pane (11) defining an air space (14) therebetween and a frame (10) surrounding a perimeter of the window, wherein the frame comprises at least one desiccant concealing member (30) which is hollow and detachable from the frame; a desiccant cartridge (20) removably disposed within the desiccant concealing member and conduit means (22) for providing gas communication between the air space and the desiccant cartridge; wherein the desiccant concealing member and the desiccant cartridge are positioned adjacent to the inner pane (13), such that the inner pane (13) is between the airspace, and the desiccant concealing member (30) and the desiccant cartridge (20).

The Office Action acknowledges that Stoneback does not disclose:

- a spacing member disposed between the inner and outer panes which maintains the panes in a spaced-apart relationship, the spacing member being hollow and defining openings permitting gas communication between the air space and the interior volume of the spacing member; a desiccant material contained within the spacing member; and a conduit for providing gas communication between the interior volume of the spacing member and the

desiccant cartridge; such that air passing into the interior volume of the spacing member first passes through the desiccant cartridge.

The Office Action alleges that Suzuki *et al.* compensates for these deficiencies of Stoneback.

Applicant respectfully traverses this rejection. To establish a *prime facie* case of obviousness, the Examiner must set forth "some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" (See *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007)). In combining prior art elements to render the claimed combination of elements obvious, the Examiner must show that the results would have been predictable to one of ordinary skill in the art.

The structure and function of Applicant's claimed desiccant concealing member is entirely different from the window components of the cited prior art. As shown in the figures, Applicant's desiccant concealing member (26) is hollow to house the replaceable desiccant cartridge (44), and is detachable from the frame to enable quick, easy replacement of the desiccant cartridge (44) within. Accordingly, amended claim 1 recites that the desiccant concealing member "*is hollow and detachable from the frame*" and "a replaceable desiccant cartridge [is] removably disposed within a hollow portion of the desiccant concealing member."

Applicant respectfully submits that the Office Action erroneously equates feature (30) of Stoneback with Applicant's desiccant concealing member (26). Stoneback describes a window glass insulation frame including a receptacle (20) containing dehydrating agent (35) and enclosed in one of two different housings, both of which require a hinged cover which is normally retained in a closed position, but can be forced open by pressure of the receptacle expands beyond the confines of the housing. In Figure 2, a recess (23) is formed in the window frame to be closed by the hinged cover (24). In Figure 6, the holder (18) for the glass pane (13) serves as the housing, providing the back wall (27), a bottom wall (30), and an upstanding short front wall (31). The cover (33) is hinged to the upper edge of the front wall (31) (col. 2, lines 11-38). Neither of these housings is a desiccant concealing member which is detachable from the frame, as recited in Applicant's claim 1. One

skilled in the art will recognize that the recess (23) is not detachable from the frame since it is integral to the frame. The holder (18) is not detachable from the frame since it must remain in place to hold the glass pane (13). Thus, the language of Applicant's claim 1 distinguishes the teachings of Stoneback.

Further, Stoneback teaches a sealed or closed system which does not allow air to pass freely into, through or out of the receptacle (20). The receptacle is described as "expansible and contractible." One skilled in the art would recognize that Stoneback's receptacle contains a fixed volume of air. Stoneback addresses the problem of changing air pressure within the window unit by the expansion or contraction of the flexible receptacle. In contrast, Applicant's claimed invention allows air which expands out of the window to pass in turn through the desiccant in the spacing member, the second desiccant in the desiccant cartridge, and into the atmosphere. If the air in the window contracts, the air drawn in from the atmosphere subsequently enters through the second desiccant in the desiccant cartridge, passes through the desiccant in the spacing member, and into the space between the panes. Applicant's claimed invention thus permits "free movement" of air from within and out of the window unit which is clearly distinctive from Stoneback's sealed or closed system.

Addressing the secondary cited reference, Applicant submits that the side plate (9) of Suzuki *et al.* does not share the same structure or function as a "desiccant concealing member" as recited in Applicant's claim 1. Suzuki *et al.* discloses a side plate (9) which is detachable from the frame. However, the side plate (9) of Suzuki *et al.* is flat and solid. Multiple screws (15) extend through the side plate (9) to attach the plate (9) to the frame (7) to act simply as a plate-like cover. The side plate (9) is not hollow, thus cannot house any desiccant cartridge. Applicant's claim 1 requires a desiccant concealing member which is "hollow." The flat and solid side plate (9) of Suzuki *et al.* and Applicant's hollow desiccant concealing member have entirely different structures and functions. Thus, the language of Applicant's amended claim 1 distinguishes the teachings of Suzuki *et al.*

For at least the foregoing reasons, Stoneback in view of Suzuki *et al.* fails to disclose or

render predictable each and every element of claim 1. Since each of the elements are not disclosed in the cited prior art, claim 1 is not obvious. Even if combined, the prior art does not yield Applicant's claimed invention or disclose each limitation in Applicant's claim 1. A *prime facie* case of obviousness has not been established.

Claims 2-7 are rejected as allegedly unpatentable for the reasons provided on pages 5-6 of the Office Action. Rejected claims 2-7 are ultimately dependent upon claim 1. Since Applicant believes that claim 1 patentably distinguishes over the cited prior art for the foregoing reasons, there is no basis for rejection. Reconsideration and withdrawal of these rejections are respectfully requested.

2. The Office Action rejects claim 8 as allegedly unpatentable over Stoneback in view of Suzuki *et al.* as applied to claim 1, and further in view of Reid, Jr. *et al.* (United States Patent No. 3,151,951).

Applicant respectfully traverses this rejection. Reid, Jr. *et al.* is cited simply for its teachings related to desiccants having varying affinities for water, but does not overcome the deficiencies of the Stoneback or Suzuki *et al.* references with respect to independent claim 1. Accordingly, Applicant submits that claim 8 is patentably distinguishable for at least the same reasons as discussed above with respect to claim 1, upon which it depends. Reconsideration and withdrawal of this rejection are requested.

In summary, claims 1-8 are not anticipated or rendered obvious in view of the cited prior art since the references do not teach or suggest the features of the invention as claimed. Reconsideration and withdrawal of all claim rejections under 35 U.S.C. §103 are thus respectfully requested.

CONCLUSION

In view of the foregoing remarks and amendments, it is submitted that this application is in condition for allowance and allowance thereof is respectfully requested.

Respectfully submitted,

Alan H. Winfield

By: 

Edward Yoo (Reg. No. 41,435)

Kirsten Oates (Reg. No. 61,283)

CORRESPONDENCE ADDRESS CUSTOMER NO. 22828